

Environment, Natural Resources, and Energy

See full summary documents for additional detail

H20 - 1998 Clean Water Bond Additional Connections. (SL 2021-37)

S.L. 2021-37 requires the Secretary of Environmental Quality (Secretary) to authorize additional connections to waterlines funded by the Clean Water and Natural Gas Critical Needs Bond Act of 1998 for structures located on lots zoned for residential and mixed-use development.

This act became effective June 16, 2021, and applies to requests for waivers to allow additional water lines submitted on or before that date.

H130 - East Coast Greenway/State Trails. (SL 2021-54)

Session Law 2021-54 authorizes the Department of Natural and Cultural Resources to add the East Coast Greenway to the State Parks System as a State trail.

This act became effective June 25, 2021.

H139 - Soil Scientist/On-Site Wastewater Certification Board. (SL 2021-38)

Session Law 2021-38 adds a licensed soil scientist to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board in substitution of an employee of the North Carolina Cooperative Extension Service.

This act became effective July 1, 2021.

H218 - Streamline Permits/Redevelopment of Property. (SL 2021-164)

S.L. 2021-164 requires local governments that implement water supply watershed programs to allow an applicant to exceed the allowable density under water supply watershed program rules in certain circumstances, and exempts certain footprint expansions from site plan modification requirements.

Sections 1 and 2 of this act became effective October 1, 2021. The remainder of this act became effective October 8, 2021.

H220 - Choice of Energy/Additional Provisions. (Ratified)

House Bill 220 would: (1) prohibit local governments from adopting any ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service; and (2) expand an exemption from public records for detailed plans and drawings of public buildings and infrastructure facilities, and add a new

exemption for specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure for energy, water, and wastewater utilities.

House Bill 220 was ratified by the General Assembly on November 30, 2021, and vetoed by the Governor on December 9, 2021.

H272 - Revise Health Standard for Lead. (SL 2021-69)

S.L. 2021-69 amends the definition of "lead poisoning hazard" under the statutes governing lead poisoning in children and pregnant women to decrease the amount of lead in drinking water that constitutes a "lead poisoning hazard" from 15 parts per billion (ppb) to 10 ppb.

This act became effective December 1, 2021.

H360 - Authorize Dan River State Trail. (SL 2021-55)

S.L. 2021-55 authorizes the Department of Natural and Cultural Resources (DNCR) to add the Dan River Trail in Stokes and Rockingham Counties to the State Parks System.

This act became effective June 25, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 3: Study Express Permitting Expansion. (SL 2021-117)

Section 3 of S.L. 2021-117 requires the Department of Environmental Quality (DEQ) to study and report on additional positions and funding needed, as well as any changes in State or federal laws and regulations necessary to expand the express permitting programs to include additional types of permits typically required for job creating and real estate development or redevelopment activities. DEQ must provide its report and recommendations to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division no later than March 1, 2022.

This section became effective August 23, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 4: Wastewater Reserve Priority. (SL 2021-117)

Section 4 of S.L. 2021-117 requires the Division of Water Infrastructure (DWI) to give priority to projects that improve designated impaired waters of the State and that serve as a public water supply for a large public water system (defined as those with over 175,000 service connections) when determining priority for a loan or grant from the Wastewater Reserve or the Drinking Water Reserve. It also requires DWI to give priority to improvements made by a local government unit to protect or preserve the water supply of a

neighboring local government unit that has a lower poverty rate, lower utility bills, higher population growth, higher median household incomes, and lower unemployment.

This section became effective September 1, 2021, and applies to applications for loans of grants from the Wastewater Reserve or the Drinking Water Reserve received by DWI on or after that date.

H366 - Regulatory Reform Act of 2021.

Sec. 12.1: Define Prefabricated Permeable Block Panel System. (SL 2021-117)

Section 12.1 of S.L. 2021-117 defines "prefabricated permeable block panel system" as a series of units used in onsite wastewater dispersal.

This section became effective August 23, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 12A: Waiver of Post-Construction Conference for Certain Engineered Wastewater Systems. (SL 2021-117)

Section 12A of S.L. 2021-117 allows for a waiver of the post-construction conference for certain types of wastewater systems, listed in the section, upon written request of the engineer and written approval of the owner of the wastewater system.

This section became effective August 23, 2021.

H735 - Minimum Contracts/Coastal Dredging Services. (SL 2021-92)

S.L. 2021-92 exempts contracts for dredging services in the State's coastal waters from the requirement that a government entity receive three competitive bids for construction or repair work estimated to cost \$500,000 or more.

This act became effective July 22, 2021, and applies to bids received on or after that date.

H951 - Energy Solutions for North Carolina. (SL 2021-165)

S.L. 2021-165 does the following:

- Requires the Utilities Commission (Commission) to take all reasonable steps to achieve a 70% reduction in emissions of carbon dioxide from electric public utilities from 2005 levels by the year 2030, and carbon neutrality by the year 2050.
- Authorizes the Commission to use "performance-based regulation" for the electric public utilities operating in the State, meaning an alternative ratemaking approach that includes decoupling revenue from electricity consumption, one or more performance incentive mechanisms, and a

multi-year rate plan, including an earnings sharing mechanism, or such other alternative regulatory mechanisms as can be proposed by an electric public utility.

- Requires the Commission to adopt rules on various matters, including to require an electric public utility to use bond financing (securitization) of costs associated with early retirement of subcritical coal fired electric generating facilities, with such costs to be securitized at 50% of the remaining net book value of all subcritical coal fired electric generating facilities to be retired to achieve the authorized carbon reduction goals set forth in the act.
- Authorizes the Commission to allow potential modification of certain existing power purchase agreements with eligible small power producers.

This act became effective October 13, 2021.

S60 - Disapprove Various Solid Waste Rule Changes. (SL 2021-153)

S.L. 2021-153 requires the Environmental Management Commission (EMC) to readopt certain rules governing permitting and operation of municipal solid waste (MSW) and construction and demolition debris (C&D) landfills in accordance with specific criteria set forth in the bill, and requires the Department of Environmental Quality (DEQ) to implement the rules subject to those criteria until permanent rules are adopted.

This act became effective September 16, 2021. The provisions will expire when permanent rules are adopted as required by the act.

S105 - 2021 Appropriations Act.

Sec. 5.9(c): Statewide Flood Resiliency Blueprint. (SL 2021-180)

Section 5.9.(c) of S.L. 2021-180 directs the Department of Environmental Quality, Division of Mitigation Services (DMS), to contract with an organization to develop a Statewide Flood Resiliency Blueprint (Blueprint) for major watersheds impacted by flooding. The Blueprint must identify the major watersheds affected by flooding, conduct flood risk assessments, and make recommendations to reduce flood risk for each identified watershed.

The organization contracted to develop the Blueprint must submit an initial draft of the Blueprint to DMS no later than December 31, 2023. DMS must submit a report on the development and implementation of the Blueprint by July 1, 2022, and each year thereafter, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

Section 5.9.(a) allocates \$20 million to the Department of Environmental Quality to be used to develop a Statewide Flood Resiliency Blueprint, which will revert to the Disaster Relief and Mitigation Fund if not encumbered by June 30, 2023.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 5.9.(k): Streamflow Rehabilitation Assistance Program. (SL 2021-180)

Section 5.9.(k) of S.L. 2021-180 establishes the Streamflow Rehabilitation Assistance Program (Program), to be administered by the Soil and Water Conservation Commission (Commission) to assist the State's political subdivisions, soil and water conservation districts, and nonprofit organizations to restore the integrity of drainage infrastructure by removing stream blockages, restoring streams and streambanks, and rehabilitating small watershed structural projects.

The Commission must ensure that debris removed from streams with Program funds are either removed from the 100-year floodplain or are processed in a manner that the debris would not pose a risk of significant streamflow impairment during a subsequent flood event. Program funds may be used for project engineering, permitting, and administrative costs, as well as providing matching funds for any disaster recovery activities funded by the federal government.

Section 5.9.(a) allocates \$38 million to the Commission to be used to establish and administer the Program.

No later than January 31 each year, the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services must prepare and submit a comprehensive report on the implementation of this Program to the Environmental Review Commission and the Fiscal Research Division.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.10: Collaboratory PFAS Study/ Firefighting Foam Registry. (SL 2021-180)

Section 8.10 of S.L. 2021-180 directs the North Carolina Policy Collaboratory (Collaboratory) to continue to identify faculty expertise and technology located within the State's institutions of higher education to conduct Statewide water, air, and toxicology sampling of per- and poly-fluoroalkyl substances (PFAS); to develop and deploy technologies to mitigate exposure to PFAS; and to continue the North Carolina PFAS Testing Network (Network). The Collaboratory must continue to report the results of this sampling to various State and federal governmental entities, in addition to the public through the Network's website.

Of the \$12.75 million in nonrecurring funds allocated to the Collaboratory for the 2021-2022 fiscal year to manage and implement the PFAS-related research and development objectives of this section, a minimum of \$10 million must be used for the development within The University of North Carolina of technologies that utilize water filtration to mitigate the presence of PFAS from water supplies where it is present. Funds allocated under this subsection will not revert and will remain available for nonrecurring expenditures.

The University of North Carolina at Chapel Hill must apportion all gross revenue associated with any intellectual property related to ionic fluorogel water filtration or other chemical or physical technologies developed utilizing research funds provided by the Collaboratory pursuant to the allocation formula set out in this section.

This section also requires the Office of State Fire Marshal (OSFM) to assist the Collaboratory to develop an online reporting portal for State, local, and public airport fire departments to report inventory, storage, and deployment of Aqueous Film-Forming Foams (AFFF) and educate those fire departments that are under

the OSFM's regulatory authority on the reporting requirements established by this section. This online portal must be operational no later than January 1, 2023.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.11: Collaboratory Study of Coastal and Marine Fisheries. (SL 2021-180)

Section 8.11 of S.L. 2021-180, as amended by Section 2.10 of S.L. 2022-6, directs the North Carolina Policy Collaboratory (Collaboratory) to conduct a study on the overall status of the coastal fisheries regulated by the State, and develop policy recommendations to better manage the overall health and viability of the State's fisheries. This study must focus on the health and extent of habitat required by the following species: bay scallop, blue crab, eastern oyster, estuarine striped bass, hard clam, kingfish, red drum, river herring, sheepshead, shrimp, southern flounder, spotted seatrout, and striped mullet. The Collaboratory must provide the results of this study to the Environmental Review Commission no later than June 30, 2025.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.18: Collaboratory Study of a Cyanobacterial Algal Bloom Treatment. (SL 2021-180)

Section 8.18 of S.L. 2021-180, as amended by Section 2.17 of S.L. 2022-6, directs the North Carolina Policy Collaboratory (Collaboratory) to evaluate the effectiveness and efficacy of an approved in situ treatment of the nutrient impaired surface waters in lakes and reservoirs on cyanobacterial harmful algal blooms. The Collaboratory must provide the results of this study to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and to various other entities, no later than April 1, 2025.

Furthermore, this section directs State agencies, upon consideration of bids and proposals to remediate or prevent cyanobacterial harmful algal blooms in North Carolina waters, to consider eleven enumerated specifications when determining which vendors ought to receive preference for government contracts.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.20: Student Beekeeping Grant Program. (SL 2021-180)

Section 8.20 of S.L. 2021-180 requires North Carolina State University (University) to establish a Student Beekeeping Grant Program for the 2021-2022 fiscal year to create beekeeping programs for high school chapters of the Future Farmers of America (FFA).

The University must ensure that no more than \$1,500 per county is available to FFA chapters at high schools in each county. FFA chapters are responsible for matching the grant received in a manner and amount as

the University may specify. The University must provide for a recovery of the grant award if the beekeeping program funded by the grant is not maintained for at least three school years.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.26: Establish Standards and Pilot Program for Highly Treated Wastewater . (SL 2021-180)

Section 8.26 of S.L. 2021-180 directs the North Carolina Policy Collaboratory (Collaboratory) to establish the Innovative Highly Treated Wastewater Pilot Program (Pilot). Through the Pilot, the Collaboratory must review and qualify wastewater systems meeting certain statutory standards, and identify at least five distressed local governments, sanitary districts, or public authorities, and work with these distressed entities to select, permit, and install highly treated wastewater systems.

The Department of Environmental Quality (DEQ), to the extent not inconsistent with its National Pollutant Discharge Elimination System permitting authority delegated from the United States Environmental Protection Agency, must review and permit wastewater systems meeting the statutory standards for highly treated wastewater as provided in this section. In addition, DEQ must require manufacturers of wastewater systems being used in the Pilot to file a performance bond of a minimum term of five years in favor of the permittee in the amount sufficient to cover system replacement.

The Collaboratory, in consultation with DEQ, must report on the highly treated wastewater systems permitted under the Pilot, evaluating the effectiveness of these systems compared to systems previously operated, and offering suggestions for further legislation and rulemaking necessary to support the adoption of highly treated wastewater systems. This report is due no later than December 1, 2024, to the Environmental Management Commission and the Environmental Review Commission.

Furthermore, this section directs the Commission for Public Health (CPH) to adopt temporary and permanent rules for approving applications for highly treated wastewater systems in the State, subject to certain requirements as provided for in this section. The CPH and the Department of Health and Human Services must issue quarterly reports on their implementation of this rulemaking, beginning no later than May 1, 2022, and continuing until the rulemaking activities required by this act have been completed.

This section became effective November 18, 2021.

S105 - 2021 Appropriations Act.

Sec. 9G.8: Lead and Asbestos Remediation in Public School Units and Child Care Facilities . (SL 2021-180)

Section 9G.8.(a) of S.L. 2021-180 provides \$150 million in nonrecurring funds for the 2021-2022 fiscal year for lead and asbestos remediation and abatement programs to benefit public school units and childcare facilities. This section allocates \$32,812,500 in nonrecurring funds to fund a program for the testing and remediation of lead levels in drinking water at public school units and child care facilities. It also allocates \$117,187,500 in nonrecurring funds to fund a program for lead paint abatement and asbestos abatement in public school units and child care facilities.

Section 9G.8.(b) of the act declares the Division of Public Health (DPH), Department of Health and Human Services (DHHS), as the lead agency responsible for administering the programs authorized by this section. DPH is directed to collaborate with the Department of Public Instruction (DPI) and its Division of Child Development and Early Education while serving in this capacity.

Section 9G.8.(c) of the act requires DPH and DPI to report to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division on specified lead and asbestos remediation and abatement activities authorized by this section, broken down by county. The report is due within six months after all funds appropriated for the purposes of this section have been expended.

Section 9G.8.(d) of the act specifies that funds allocated under this section must remain available until depleted or on the date federal law requires the funds to be fully expended, whichever is earlier.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 11.18: Outdoor Recreation Industry Action Plan and Mapping Tool. (SL 2021-180)

Section 11.18 of S.L. 2021-180 directs the Director of the Outdoor Recreation Industry Office—a division of the Economic Development Partnership of North Carolina, Inc.— to develop a statewide outdoor recreation action plan, which includes recommendations for (i) growing the State's existing outdoor recreation companies and for recruiting new outdoor recreation companies to locate in the State; (ii) increasing access to outdoor recreation through additional investments in the State's public lands, including State and local parks, greenways, game lands, and other public lands; (iii) growing the talent pool for the outdoor recreation industry through workforce development initiatives; and (iv) encouraging healthy lifestyles through outdoor recreation activities.

As part of the plan, the Director must develop a statewide mapping tool of the State's outdoor recreation assets. In creating the action plan and mapping tool, the Director must work with the Department of Natural and Cultural Resources, the Department of Commerce, the Department of Health and Human Resources, and the Wildlife Resources Commission.

The Department of Commerce must include information on the Outdoor Recreation Industry Office's development of the action tool and mapping plan in its annual report on the performance of the Economic Development Partnership of North Carolina, Inc. This report is due March 1, 2022, and continues each year thereafter, to the Joint Legislative Economic Development and Global Engagement Oversight Committee, and various other entities.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.1A: Department of Environmental Quality Stewardship Program Reports. (SL 2021-180)

Section 12.1A of S.L. 2021-180 modifies the reporting requirements of the Department of Environmental Quality's (DEQ) Stewardship Program by (i) eliminating the requirement that the Wildlife Resources

Commission conduct a third-party review of its inventory of land holdings, and (ii) limiting DEQ's annual reporting requirement to the Environmental Review Commission to only those years in which there were changes in DEQ's land holdings during the preceding year.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.2: Oversight Committee Study of Department of Environmental Quality Fees. (SL 2021-180)

Section 12.2 of S.L. 2021-180 directs the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources (Committee) to study the existing fee structure for permitting, compliance, and oversight services performed by the Department of Environmental Quality (DEQ) with the goal of identifying areas where fee income does not adequately support the services provided. The Committee must identify, with respect to each service identified as having an insufficient fee, the amount of the fee that was or could have been charged, the cost incurred by DEQ in performing the service, and, if applicable, the reason for not charging the fee or for the fee shortfall. The Committee must provide its report to the 2022 Regular Session of the 2021 General Assembly upon its convening.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.3: Extend Shellfish Leasing Moratorium . (SL 2021-180)

Section 12.3 of S.L. 2021-180 extends the moratorium on new shellfish cultivation leases and new water column leases for aquaculture for Bogue Sound and the New Hanover County area until July 1, 2026.

This section became effective July 1, 2021, except for the extension of the moratorium for Bogue Sound, which became effective October 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.6: Commercial Leaking Underground Storage Tank Cleanup Fund Changes. (SL 2021-180)

Section 12.6 of S.L. 2021-180 increases the amount of funds that the Department of Environmental Quality (DEQ) can expend each year from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund (Commercial Fund) for assessment and cleanup of discharges or releases in situations where a responsible party has been identified and can demonstrate that undertaking the costs of assessment and cleanup will impose severe financial hardship. DEQ can expend up to \$2 million per year from the Commercial Fund for these purposes, up from \$1 million previously.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.7: Bernard Allen Memorial Drinking Water Fund Clarification. (SL 2021-180)

Section 12.7 of S.L. 2021-180 amends certain requirements for disbursing funds from the Bernard Allen Memorial Emergency Drinking Water Fund (Fund).

In cases that involve a contaminant for which a federal maximum contaminant level or drinking water action level has not been established, this section authorizes the use of health goals established by the North Carolina Department of Health and Human Services, or health advisory standards established by the United States Environmental Protection Agency, to determine whether the Fund may be used to provide alternative drinking water supplies. Prior to enactment of S.L. 2021-180, in cases where a federal maximum contaminant level or drinking water action level had not been established, the statute only authorized use of State groundwater standards established by the Environmental Management Commission to determine whether the Fund may be used to provide alternative drinking water supplies.

The maximum household income limit for eligibility to receive financial assistance from the Fund is eliminated in cases of contamination that include per- or poly-fluoroalkyl substances (PFAS).

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.9: Charlotte Motor Speedway Landfill Grant. (SL 2021-180)

Section 12.9 of S.L. 2021-180 modifies the funding formula for the matching grants received by Charlotte Motor Speedway, LLC (CMS) from the State's Inactive Hazardous Sites Cleanup Fund for remediating pre-1983 landfills.

The Department of Environmental Quality's Division of Waste Management (Division) must provide a matching grant of \$1 to CMS for every \$1 in non-State funds provided in kind or otherwise, up to a maximum grant of \$2 million. Prior to the enactment of S.L. 2021-180, the Division was required to provide a matching grant of \$1 to CMS for every \$2 in non-State funds provided in kind or otherwise, up to a maximum grant of \$2 million.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.10: Dam Safety Emergency Fund. (SL 2021-180)

Section 12.10 of S.L. 2021-180 establishes the Dam Safety Emergency Fund within the Department of Environmental Quality (DEQ) for the purpose of developing and implementing an emergency dam safety remedial plan.

These funds must be used upon DEQ's determination that sufficient funds or corrective action cannot be obtained from other sources without incurring a delay that would significantly increase the threat to life or risk of damage to property of the environment. Costs of site investigation and the development and

implementation of an emergency dam safety remedial plan, including attorney's fees and other expenses of bringing the cost recovery action, may be recovered from the owners of the dam by appropriate legal action by the Environmental Management Commission. Funds recovered pursuant to this section must be used to reimburse the Dam Safety Emergency Fund.

Section 5.9.(a)(8) of this act allocates \$4 million to the Dam Safety Emergency Fund to be administered by DEQ for costs associated with the emergency repair or removal of dams.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.12: Water Infrastructure Fund Enhancement . (SL 2021-180)

Section 12.12 of S.L. 2021-180 provides that funds appropriated to the Department of Environmental Quality (DEQ) for the Clean Water State Revolving Fund or the Drinking Water State Revolving Fund to provide State matching funds that are in excess of the amount required to draw down all available federal capitalization grant funds may also be used for water and wastewater infrastructure grants awarded from the Wastewater Reserve, the Drinking Water Reserve, or the Viable Utility Reserve.

This section authorizes DEQ to impose specific performance measures or conditions on any grant awarded from the Drinking Water Reserve or Wastewater Reserve to ensure an adequately funded program for the repair, maintenance, and management of the water or wastewater infrastructure.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.14: Local Assistance for Stormwater Infrastructure . (SL 2021-180)

Section 12.14 of S.L. 2021-180 establishes the Local Assistance for Stormwater Infrastructure Investments Fund (Fund), a special fund within the Department of Environmental Quality (DEQ), to be used to provide grants to eligible entities for projects that will improve or create infrastructure for controlling stormwater quantity and quality.

A city or county may be eligible to qualify for a grant under this Fund if it documents a specific stormwater issue and demonstrates that it would experience significant hardship raising the revenue necessary to finance stormwater management activities itself. Nonprofit entities and regional council of governments can qualify as eligible entities if they partner with a city or county.

DEQ may provide two categories of grants from the Fund:

- Construction grant: May be awarded to an eligible entity for developing and implementing new stormwater utility or stormwater control measures (SCM), rehabilitating existing SCMs, or for the installation of innovative technologies or nature-based solutions. These grants may not exceed \$15 million per grant.
- Planning grant: May be awarded to an eligible entity for research or investigative studies, alternative analyses, the preparation of engineering concept plans or designs, and similar activities

intended to help an eligible entity determine the best solutions for the entity's stormwater quality or quantity issue. These grants may not exceed \$500,000 per grant.

DEQ must report on the activities of the Fund, including an accounting of expenditures, a description and status update of funded projects, and recommendations for legislative changes and additional funding needs for small and financially distressed communities to comply with stormwater standards and mitigate the impacts of stormwater-related flood events. This report is due beginning September 1, 2022, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and various other entities, and continues each year until all the funds have been expended by grant recipients.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.21: Amend Dam Safety Law. (SL 2021-180)

Section 12.21 of S.L. 2021-180 amends the Dam Safety Law by expanding the exemption for small dams less than 20 feet in height or that have an impoundment capacity of less than 15 acre-feet, when a qualified engineer, who demonstrates to the satisfaction of the Department of Environmental Quality experience in dam design, conducts dam failure analyses based on both storm-induced failure and normal weather geologic, structural, or seismic failure scenarios and determines that the dam is not a high hazard dam.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.23: Revise Mining Commission Chair Designation/ Ex Officio Membership. (SL 2021-180)

Section 12.23 of S.L. 2021-180 provides that if the Governor has not designated a chair of the North Carolina Mining Commission (Commission) by July 1 of the year following the expiration of the term of the previous chair, then the vice-chair must exercise the powers and duties of the chair until either the Governor designates a chair or upon the expiration of the vice-chair's regularly appointed term, whichever comes first. Upon the expiration of the vice-chair's regularly appointed term, the Commission must elect a vice-chair, who will exercise the powers and duties of the chair until the Governor designates a chair.

Notwithstanding the above, this section provides that if the Governor has not designated a chair from the current membership of the Commission by December 15, 2021, then the vice-chair must exercise the powers and duties of the chair until the Governor designates a chair or upon the expiration of the vice-chair's regularly appointed term, whichever comes first.

This section modifies the required qualifications for one of the ex officio, nonvoting members of the Commission—substituting the Chair of the North Carolina State University Minerals Research Laboratory Advisory Committee with the Executive Director of the North Carolina State University Minerals Research Laboratory, or the Executive Director's designee.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 14.7.(g): Add Roanoke River Paddle Trail to State Parks System. (SL 2021-180)

Section 14.7.(g) of S.L. 2021-180 authorizes the Department of Natural and Cultural Resources to add the Roanoke River Paddle Trail in Halifax, Northampton, Bertie, Martin, and Washington Counties to the State Parks System as a State Trail.

The State may receive donations of appropriate land and may purchase other needed lands for the Roanoke River Paddle Trail with existing funds in the Land and Water Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 14.10: Authorize Bakers Lake State Natural Area. (SL 2021-180)

Section 14.10 of S.L. 2021-180 authorizes the Department of Natural and Cultural Resources to add the Bakers Lake State Natural Area in Bladen County to the State Parks System.

The State may receive donations of appropriate land and may purchase other needed lands for the Bakers Lake State Natural Area with existing funds in the Land and Water Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

This section became effective November 18, 2021.

S105 - 2021 Appropriations Act.

Sec. 40.3: Water Resources Development Grants. (SL 2021-180)

Section 40.3 of S.L. 2021-180 codifies the Water Resources Development Grants Special Fund, a special fund within the Department of Environmental Quality (DEQ), to be used for water resources development projects as directed by an act of the General Assembly.

This section authorizes DEQ to reallocate funds among projects when the actual costs differ from estimated project costs, while also providing that excess available funds during any given fiscal year may be used to fund United States Army Corps of Engineers' project feasibility studies and projects requiring State matching funds in the current fiscal year; State-local water resources development projects; and United States Department of Agriculture's Environmental Quality Incentives Program (EQIP) stream restoration projects.

DEQ must submit semi-annual reports on the use of funds from the Water Resource Development Grant Special Fund to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and various other entities, by March 1 and September 1 of each year.

This section became effective July 1, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 1: Modify Conditions for State Funding of Beach Access Property. (SL 2021-158)

Section 1 of S.L. 2021-158 eliminates the requirement under the Public Beach and Coastal Waterfront Access Program (Program) that local governments that receive grants under the Program for land acquisition transfer title to any real property to the State if used for non-beach/coastal water access purposes, and instead requires that:

- Local governments dedicate acquired lands in perpetuity for public access and for the benefit of the public and record such dedication in the office of the register of deeds in the relevant county.
- Leases or easements acquired with Program grant funds must have a minimum term of 25 years.
- Local governments that use real property acquired with Program grant funds for any purpose other than beach or coastal water access, or otherwise sell or dispose of the property, must reimburse the State in an amount that is the greater of (i) the amount of Program grant funds provided to purchase the land or (ii) an amount equal to the same proportion of the current market value of the property as the proportion of the original purchase price of the property funded with Program grant funds.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 2: Modernize Coastal Area Management Act Notification Requirements. (SL 2021-158)

Section 2 of S.L. 2021-158 removes the requirement that the Department of Environmental Quality (DEQ) notify interested parties of major Coastal Area Management Act permit applications and modification by regular mail.

This section became effective July 1, 2021 and applies to permit applications received on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 3: Coastal Area Management Act Permit Third-Party Appeal Review Timeline. (SL 2021-158)

Section 3 of S.L. 2021-158 extends the Coastal Resources Commission's review period from 15 to 30 days for third-party challenges of a Coastal Area Management Act development permit decision.

This section became effective October 1, 2021 and applies to requests for determination of appropriateness received by the Coastal Resources Commission on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 4: Stormwater Program Amendments. (SL 2021-158)

Section 4 of S.L. 2021-158 makes several amendments to the Department of Environmental Quality's (DEQ) Stormwater Management Program, including:

- Adding an annual compliance certification for new and existing stormwater permits, clarifying that the addition of the annual compliance certification is not a new or increased stormwater control, providing that DEQ must provide for electronic submission of the annual certification, and providing that DEQ may only require the permit holder or their designee, and not a different party, to submit the annual certification.
- Modifying the stormwater permit transfer process, including timelines for submitting permit transfer applications and providing for a schedule of remedial actions, as needed, to bring permitted activities into compliance with the approved stormwater plan and permit conditions.
- For low density permits issued prior to January 1, 2017 that have exceeded a permitted built-upon area, establishing a permit modification request mechanism to bring those projects into compliance with the existing or modified built-upon area limit.
- Providing that low density stormwater certifications and approvals issued prior to September 1, 1995, are revoked as of January 1, 2022, and the built upon area will be considered as "existing development" for the purposes of G.S. 143-214.7(a1).

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 5: Conform Sedimentation and Erosions Control Program Penalty Remission Request Timeline. (SL 2021-158)

Section 5 of S.L. 2021-158 shortens the deadline to request a civil penalty remission under the Sedimentation and Erosion Control Program from 60 to 30 days.

This section became effective October 1, 2021 and applies to penalties assessed on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 6: Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund Payment Request Timeline Extension. (SL 2021-158)

Section 6 of S.L. 2021-158 provides that if the Department of Environmental Quality (DEQ) requests additional information regarding the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund (Fund) reimbursement requests, the UST owner, operator, or landowner may have up to 30 days to

provide that additional information. The additional 30 days allowed by this section would not count against the 12-month deadline for making a reimbursement request.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 7: Modify and Simplify Hazardous Waste Site Notices. (SL 2021-158)

Section 7 of S.L. 2021-158 shortens the deadline to submit a survey plat and notice under the Inactive Hazardous Waste Site program from 180 to 90 days. This section also makes technical and clarifying changes to the language of the required notice.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 8: Revise and Clarify Basinwide Water Resources Management Plans. (SL 2021-158)

Section 8 of S.L. 2021-158 makes various technical and clarifying changes to the statute concerning basinwide water quality management plans, including requiring management plans to provide certain information regarding surface and groundwater resources, other withdrawals, permitted minimum instream flow requirements, and pertinent information contained in the local water supply and water shortage response plans. This section also defines North Carolina's 17 major river basins by the relevant 8-digit hydrologic unit code.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 10: Modify Notice Requirement for Sedimentation and Erosion Control Program Violations. (SL 2021-158)

Section 10 of S.L. 2021-158 eliminates the requirement that a person receiving a notice of violation for the first time under the Sedimentation and Erosion Control Program be delivered that notice in person.

This section became effective October 1, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 11: Revise Sedimentation and Erosion Control Stop Work Order Procedures. (SL 2021-158)

Section 11 of S.L. 2021-158 repeals certain subsections of the statute governing stop-work orders issued for sedimentation and erosion control violations.

This section became effective October 1, 2021.

S474 - Septage Management Amendments. (SL 2021-83)

S.L. 2021-83 makes certain changes and clarifications to the Department of Environmental Quality's (DEQ) septage management program concerning permit decision timelines, permit amendments, inspection requirements, required operator training, permit length, and continuing education.

Section 3 of this act became effective July 8, 2021, applies to permit renewals issued on or after July 1, 2021, and will expire when permanent rules are adopted as required by the act. Section 4 of this act became July 1, 2021. The remainder of this act became effective July 8, 2021.